

JUL 21 2008

**Applicant: James A. Proctor Jr.**  
**Application No.: 10/767,843**

**REMARKS/ARGUMENTS**

After the foregoing Amendment, claims 1 – 20 are currently pending in this application.

**Claim Rejections - 35 USC §103**

Claims 1, 2, 5 – 7, 11, 12 and 15 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,324,160 to Martin et al. (hereinafter Martin) in view of U.S. Patent No. 7,272,163 to Hao et al. (hereinafter Hao).

Claims 3, 4, 8 – 10, 13, 14 and 18 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin and Hao, and further in view of U.S. Publication No. US 2007/0076581 A1 to Hadad (hereinafter Hadad).

Applicant discloses a method and apparatus for controlling timing of the reverse link signal from a subscriber unit. A receiver receives a plurality of reverse link signals, each including a common code and a unique orthogonal code. A correlator coupled to the receiver associates a metric with each of the received reverse link signals and a selector selects the received reverse link signal associated with a best metric. A gross timing offset is determined by a timing controller for the selected reverse link signal to align the selected reverse link signal with reverse link signals from other subscriber units using the common code with a common phase.

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Martin does not suggest or teach the disclosed method and apparatus. Martin discloses an adaptive receiver from base stations of CDMA mobile wireless systems. Martin does not disclose a timing controller coupled to the selector that determines a gross timing offset of the selected reverse link signal to align the selected reverse link signal with reverse link signals from other subscriber units using the common code with a common phase. In support of the Examiner's finding, the Examiner cites column 3, lines 29 – 43 as suggesting or teaching this element. Upon review of the portion cited by the Examiner, there is no suggestion or teaching of a timing controller to align the selected reverse link signal with reverse link signals from other subscriber units using the common code with a common phase.

The portion cited by the Examiner discloses a Direction Signature and Propagation time circuit is responsible for determining the direction signature vector and the corresponding characteristic propagation time for each signal path to be detected by a processing path, and for adjusting these parameters according to the changing conditions of the CDMA wireless interface system for the existing link. There is no disclosure in this portion regarding a timing controller coupled to a selector that determines a gross timing offset of the selected reverse link signal to align the selected reverse link signal with reverse link signals from other subscriber units, using the common code with a common phase.

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Furthermore, it appears that the Examiner has misunderstood Applicants' claimed invention in finding that:

It would have been obvious to one skilled in the art to include a common code for the purpose of associating these signals with a particular code that is common to the coverage area.

*Detailed Action, page 3.* In making this comment, the Examiner has cited Hao for teaching using a common code. Applicant, though, is not claiming the use of a common code for purposes of associating the signals with a particular code, as the Examiner has suggested. Applicant, again, has claimed an apparatus for controlling timing of a reverse link signal from a subscriber unit, wherein a timing controller, coupled to a selector, determines a gross timing offset of a selected reverse link signal to align the selected reverse link signal with reverse link signals from other subscriber units using the common code with a common phase. Hao does not disclose the determining a gross timing offset to align the selected reverse link signal using a common code with a common phase. Hao simply discloses, as the Examiner stated, the use of a common code.

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Neither Martin nor Hao, alone or in combination with one another, discloses Applicants' method or apparatus as claimed in claims 1 and 11. Accordingly, Martin and Hao do not render claims 1 and 11 obvious.

Claims 2 – 10 and 12 – 20 are dependent upon claims 1 and 11, and the Applicant believes these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the §103 rejection is respectfully requested.

**Conclusion**

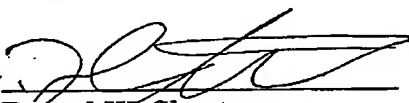
If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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